

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

Note: This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy" transmitting this worksheet and the "Guidelines for Using the DNA Worksheet" located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision.)

A. BLM Office: Phoenix Field Office **Lease/Serial/Case File No.** AZA-33157

Proposed Action Title/Type: Roadrunner Mining Claim Occupancy

Location of Proposed Action: T. 9 N, R. 4 W., Sec. 6, portion of NE¼, G&SRM.

Description of the Proposed Action: Install a gate on an existing fenceline that obstructs an existing undeveloped road on the Catclaw (AMC64830) mining claim, in order to provide access to the Devils Nest AU 9 (AMC350907) and Devils Nest AU 12 (AMC350910) mining claims. Roadrunner plans to continue only casual use level mining activities on all three claims; they have no plans to conduct activities requiring the submission of a 43 CFR 3809 Notice or Plan

Applicant (if any): Roadrunner Prospectors Club

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name* Phoenix RMP & EIS **Date Approved** 09/89

LUP Name* Lower Gila North Management Framework Plan **Date Approved:** 3/15/83

LUP Name* Lower Gila North Management Framework Plan Amendment
Date Approved: 7/15/05

Other document** _____ **Date Approved:** _____

*List applicable LUPs (e.g., Resource Management Plans or applicable amendments).

**List applicable activity, project, management, water quality restoration, or program plans.

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

Proposed Phoenix Resource Management Plan and Final Environmental Statement dated August 29, 1989, states on page 14: "Exploration for and development of locatable minerals are provided for under the regulations 43 CFR 3802 and 3809. These provide for mineral development in conjunction with resource protection. They are designed to prevent unnecessary and undue degradation of the environment from mining activity. Mining activity within the planning area would continue to be administered on a case by case basis."

☒ The proposed action does not occur in an area with any existing utility corridors, there are no known planned or proposed energy developments, and no applications for such use have been received by the PFO. It has been determined by resource specialists that the proposed action will not have a direct or indirect impact on energy development, production, supply and/or distribution.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action:

Finding of No Significant Impact and Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona --November 18, 1997.

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

Recreation Resources Review, July 27, 2005

Visual, Recreation, and Wilderness Resources Review, August 2, 2005

Biological Resources Review, August 5, 2005

Cultural Resources Review, August 8, 2005

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Documentation of answer and explanation:

Yes. The proposed action involves no restricted lands specifically excluded in the Finding of No Significant Impact and Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona --November 18, 1997.

Specifically, the proposed action is concurring with the following “typical occupancy” listed on page 3 of the aforementioned document:

“7. Placing on public lands fences, gates, or signs designed to limit public access.”

In this case, however, the proposed gate will actually restore vehicle access to an area where such access has recently been restricted by a new owner on adjacent private lands. The project proponent also requested permission to lock the gate, but BLM cannot concur with that request because it does not comply with the requirements of 43 CFR 3715.2 and 43 CFR 3715.2-1.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Documentation of answer and explanation:

Yes. The proposed action is consistent with actions previously covered and reviewed in the Finding of No Significant Impact and Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona --November 18, 1997.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Documentation of answer and explanation:

Yes, because there is no new information or new circumstances that apply to the proposed action.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation:

Yes. The proposal contains the common elements of the proposed action of the Finding of No Significant Impact and Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona --November 18, 1997.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Documentation of answer and explanation:

The proposal would result only in impacts that have been addressed in the Finding of No Significant Impact and Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona --November 18, 1997.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Documentation of answer and explanation:

Yes. The cumulative impacts of the proposed action is unchanged because actions will continue to be similar as that previously covered in the Finding of No Significant Impact and Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona --November 18, 1997.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?

Documentation of answer and explanation:

Yes. The proposed action is the same as that covered in the Finding of No Significant Impact and Programmatic Environmental Assessment for: Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona --November 18, 1997. Additional public and interagency involvement would be redundant.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
<u>Matt Plis</u>	<u>Mining Engineer</u>	<u>Minerals</u>

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

Performance Measures

1. Facilities and Equipment: All facilities and equipment on a mining claim or millsite must be appropriate and reasonably incident to prospecting, mining, or processing operations. All equipment and facilities must be presently operable, subject to the need for reasonable assembly, maintenance, repair, or fabrication of replacement parts. Facilities, methods and equipment must be appropriate to the terrain, mineral deposit, and stage of mineral development. BLM will utilize the Compliance Assessment - Safety, Health, and the Environment Protocol Manual for the Bureau of Land Management and/or the Safety and Health Management BLM Manual Handbook (H1112-1) for guidelines for the inspection of facilities (excluding residential facilities) on a mining claim.

All structures used and/or occupied by a mining claimant or operator must be noted in the 3715 filing. Any structures that existed before the subject regulations, not claimed on a 3715 filing may become, at the discretion of management, the property of the United States. If an operator/claimant claims the right to possess and use a pre-existing building on his/her claim, and if this structure is determined by BLM to be historically significant, BLM may require the operator/claimant to restore the structure to its original condition.

If at any time, reasonably incident activities cease, and inspections by BLM personnel reveal that observable on-the-ground activities have stopped, BLM may terminate the concurrence and order all or part of the use and occupancy to stop and be removed from the public lands.

Single structures for the storage of compatible chemicals and housing of equipment or supplies will be encouraged over the use of several small outlying structures when practical. Temporary structures such as tents, campers, or trailer homes will be encouraged over the use of permanent structures such as buildings, homes or cabins. When practical, you must use flat lying areas, with low erosion potential, as the preferred site for all facilities. All operations must have at least one (1) ABC type fire extinguisher on site at all times.

BLM's written concurrence for the occupancy must be kept on the mine property and presented to any BLM personnel requesting to see it.

All operations must be kept neat, clean and free of debris. The facilities must present a safe work environment for the employees and facilities must be constructed to meet all applicable electrical, mechanical, safety and public health codes and/or regulations. All operations must be conducted in strict accordance with Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) regulations and the Arizona Mining Code administered by the Arizona State Mine Inspector (SMI).

2. Vehicles: All automobiles and motor homes on mining claims or millsites must have current registration. All off-highway motor vehicles (any motorized vehicle when operated off of highways on either land, water, snow, or ice) must have current registration if used on roads outside of the mining claim. BLM off-highway vehicle designations must be followed outside of the mining claim. In addition, the claimant or operator will allow no vehicle or piece of equipment to be parked or positioned in a way that impedes the normal flow of traffic.

3. Structure Condition: The exterior of all buildings (including roofs) and trailers on public lands and other related outdoor structures must be in good physical condition, well maintained, well painted or otherwise treated to protect against deterioration and kept clean and in good repair. BLM may specify paint colors to limit visual impacts. The operator is responsible to insure that all structures meet State, county, or local electrical, mechanical, safety and public health codes.

4. Chemical Storage: All chemicals must be stored, according to Department of Transportation standards, in approved containers with proper labeling. Rusted, dented, leaking or otherwise damaged containers must be removed from the public lands. All buildings used for the storage of chemicals must be placarded and storage of reagents in quantities exceeding a 14 day supply will not be allowed. Chemical and fuel storage facilities on public lands must be used to store only those chemicals and fuels essential for mining, milling, and processing operations occurring on the public lands. Incompatible chemicals must be protected from each other and stored in a manner that does not present a hazard. All operations must be conducted in strict accordance with Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) regulations and the Arizona Mining Code administered by the Arizona

State Mine Inspector (SMI). Operators must submit a complete list of all the chemicals they plan to store on their claims or millsites with Material Safety Data Sheets. BLM through its inspection program, will monitor operations to see that only essential chemicals, in appropriate quantities, are stored on site.

5. Fuel and Petroleum Product Storage: All petroleum product storage tanks and barrels, placed above ground, must be in a bermed area. The bermed area must be lined with an impervious lining. The bermed area must be able to contain 110% of the capacity of the tank(s) and/or barrels. Facilities that store 1320 gallons of oil or more or 660 gallons in a single tank must have a Spill Prevention Control and Countermeasures Plan (SPCC) 40 CFR 112.20 (a). These plans must be developed and then approved by a registered professional engineer. The SPCC plan must determine if the facility can cause “substantial harm to the environment”. If it does, then a Facility Response Plan is also required.

6. Mobile Homes: No permanent foundations will be erected for mobile homes. No mobile home will have an enclosed deck or add-on room. Porches may be installed, but any porch will be easily removable from the mobile home. Porches will not be enclosed with any material, except for screening. Roll-up sunshades are also permitted. Mobile homes must have at least 10 feet between them.

7. Authorized Number, Types and Uses: The mine operator will not exceed the number or type of structures specified in the approved 3715 filing. All structures must be removed within the time frames stated in the 3715 filing. The operator/claimant must furnish the BLM a copy of the Aquifer Protection Permit before operations begin, whenever an APP is required.

BLM will coordinate with the claimant or operator to ensure that the number of people required to reside on a mining claim or millsite will be sufficient to perform the tasks of mining and/or milling and to provide for site security. BLM will also work with the claimant or operator to insure that only the number of people required for operations and site security will be in residence (making a home) on the claim at any time. Based on this consultation and the subsequent environmental analysis, BLM will specify the maximum number of people, including family members, that can reside on the claim for more than 14 days in any 90 day period.

8. Beginning operations: As required by Titles 18 and 27 of the Arizona Administrative Code, the claimant or operator must submit a “Notice of Start-up, Move, or Stop for Portable Equipment and Mine Operations” whenever operations begin, move or are suspended. It is the operator’s responsibility to send BLM a copy of the written notification from the Arizona State Mine Inspector that this form was received.

9. Tanks: Liquid Petroleum Gas storage, used for household purposes, will not exceed one hundred and twenty five (125) gallons at each mobile home, cabin, or house. Each tank will be installed, mounted, and maintained in a way that meets all applicable safety code provisions. At a minimum this means chained to the structure.

10. Appliances and Yard Furniture: Except water softeners, evaporative coolers and air conditioners, no household appliances of any kind will be installed or stored outside of a structure. Only furniture designed and constructed for exterior use is permitted outdoors. Tables, grills, and fire-containing devices will be repaired as necessary to assure proper function, rigidity, support and appearance.

11. Fire Prevention: Consistent with all applicable laws and subject to reclamation, vegetation must be cleared for a minimum distance of:

- 30 feet from all structures.
- 15 feet from any site on which a fire will be built and flammable ground litter must be cleared for at least a 5 foot radius around the fire.
- 15 feet from any site where welding, grinding, or any other spark producing operation will be performed.

Spark arrestors must be used on chainsaws, quad-runners and motorcycles.

12. Grounds: Grounds will be well maintained, safe, uncluttered, and free of litter and debris. All operations will provide a clean, and maintained view for the public from any roadways or thoroughfares by which the public may approach or pass mining operations on BLM lands.

13. Pets: Nonessential animals and/or free-roaming pets or animals are not allowed.

14. Waste and Sewage Handling and Removal: The term "waste" as used herein means all discarded matter including, but not limited to human waste, trash, garbage, refuse, petroleum products, ashes and equipment. Refuse will be stored in receptacles that have covers and lids, are painted, undented, waterproof, and both vermin and raven proof. Wastes will be disposed of in accordance with local laws. This should be an ongoing effort and unused equipment, trash, refuse, and litter should be removed periodically to maintain the highest aesthetic standards achievable during mining operations. The mine operator will provide an effective system for the collection and disposal of garbage and trash. This will be done by contracting with a trash removal firm, or with appropriate public entities, or through self efforts of the operator or any combination of these methods as directed by the Field Manager. Wastes shall be disposed of in a sanitary landfill unless otherwise approved by the Field Manager.

All sewage treatment facilities will be constructed and operated in accordance with all necessary permits utilizing accepted engineering practice and procedures. The operator/claimant must have a septic permit from the county in which the septic system is located before the system can be operated.

15. Public Signs: Public signs for which the operator is responsible must be appropriately located, accurate, attractive and well maintained. Permanent signs will be prepared in a professional manner, consistent with BLM standards and must be approved by BLM before installation.

16. Mine Wastes: If mined materials are removed from the public lands for processing, it will be the responsibility of the claimant or operator to insure that wastes generated in processing these materials are not hazardous materials or toxic wastes, if such wastes are to be returned to the public lands for disposal. BLM, at the discretion of the Field Manager, may require sampling of the wastes and subsequent analytic procedures to verify that such wastes are not hazardous materials or toxic wastes. The claimant or operator will pay the costs of sampling and analytic procedures.

17. Explosive Storage: All explosive storage, regardless of the class of explosive or the amount stored inside the magazine, shall meet the requirements of the Arizona Revised Statutes Title 27.

18. Fences: BLM will attempt to keep the public lands open to public entry at all times. But, where public health and safety is a primary concern or it is essential that access be limited to protect valuable mining equipment or supplies from theft or loss, BLM will authorize the placing on public lands of fences, gates, and signs to limit public access. Where public safety is a paramount concern, BLM may, at the discretion of the Field Manager, use administrative procedures to formally close the lands to public entry using the procedures specified by 43 CFR 8364.

Where fences, gates, and signs must be built and maintained for site security or for public safety, the BLM will determine, through a site inspection that such enclosures are reasonable. Should the claimant or operator be ordered to build and maintain fenced enclosures or post signs by either MSHA, OSHA or the SMI, the claimant must provide written proof of such an order to BLM before authorization is given and actual construction can begin. All fences and gates will be constructed to protect livestock and wildlife in the area. Exact specifications for fences and gates will be developed on a site-specific basis using information obtained in the biological assessment performed by BLM. Minimum requirements for fences are in the BLM Manual Handbook H-1741-1, Fencing.

Whenever fences, gates, or signs are placed on the public lands, BLM, will require the claimant or operator to post public directions on the fence or gate showing routes to public lands around or behind the fenced enclosure. The exact nature of the posting to be used will be decided on a case by case basis by the Field Manager. Whenever locked gates are used, BLM will require the claimant or operator to give BLM a key or use a system of double locks.

19. Reclamation: Regulations at 43 CFR 3809.1-1, require that all operations will be reclaimed. Occupancy site reclamation will include, but is not limited to, complete removal of all structures, regrading, replacement of topsoil or growth medium and establishing native vegetation to establish a diverse, effective, and permanent vegetative cover to reflect the post mining land use. All reclamation operations will be conducted in accordance with the BLM Solid Mineral Reclamation Handbook (H-3042-1).

Actions and Activities Not Allowed

The cultivation of crops and establishment of garden plots.

Activities including animal maintenance or pasturage. This includes the construction of corrals, chicken coups, kennels and stables.

The development of small trade or manufacturing concerns, hobby and curio shops, cafes, tourist stands, and hunting and fishing camps.

The storage, treatment, processing, or disposal of non-mineral, hazardous or toxic waste that are generated elsewhere and brought onto the public lands.

Any activities involving recycling or reprocessing of manufactured material such as scrap electronic parts, appliances, photographic film, and chemicals.

Searching for buried treasure, treasure trove or archeological specimens is strictly prohibited by the subject regulations.

Blocking access to the public lands through the placement of berms, wire cables, stones, vegetative debris or other materials placed on roads constructed on public lands.

Living in abandoned busses, truck trailers, other abandoned vehicles, adits, tunnels or caves.

CONCLUSION

☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

Signature of the Responsible Official

Date

DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is either (a) in conformance with or (b) clearly consistent with terms, conditions, and decisions of the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

Mitigation Measures/Other Remarks: NONE

Authorized Official: _____ Date: _____

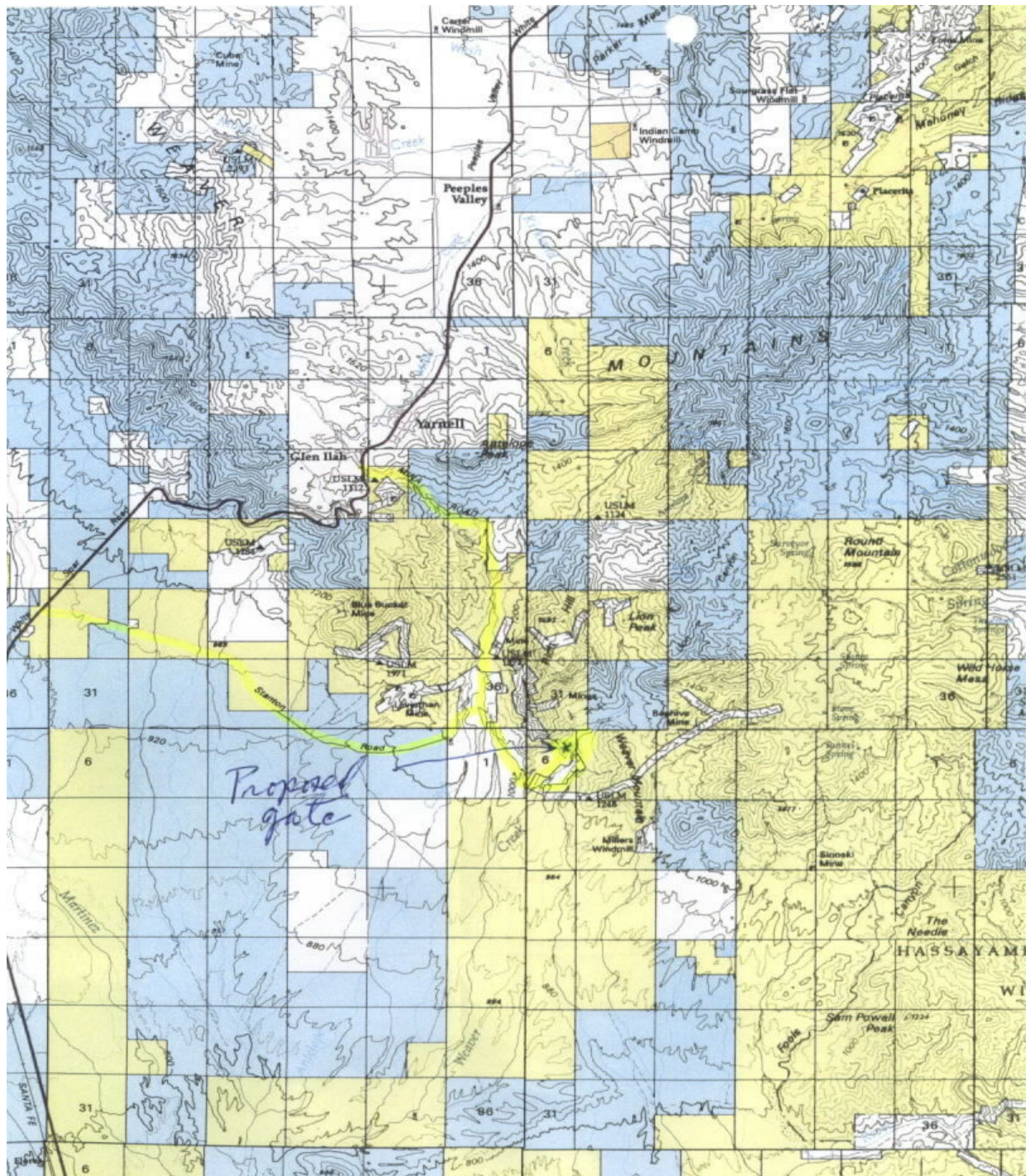


Figure 1. -- Map showing the general location of the proposed gate (AZA 33157) in T. 9 N., R. 4 W., sec. 6, G&SRM, near Stanton, Yavapai County, AZ.

BLM-administered lands are shown in yellow, state lands in blue, and private lands in white.

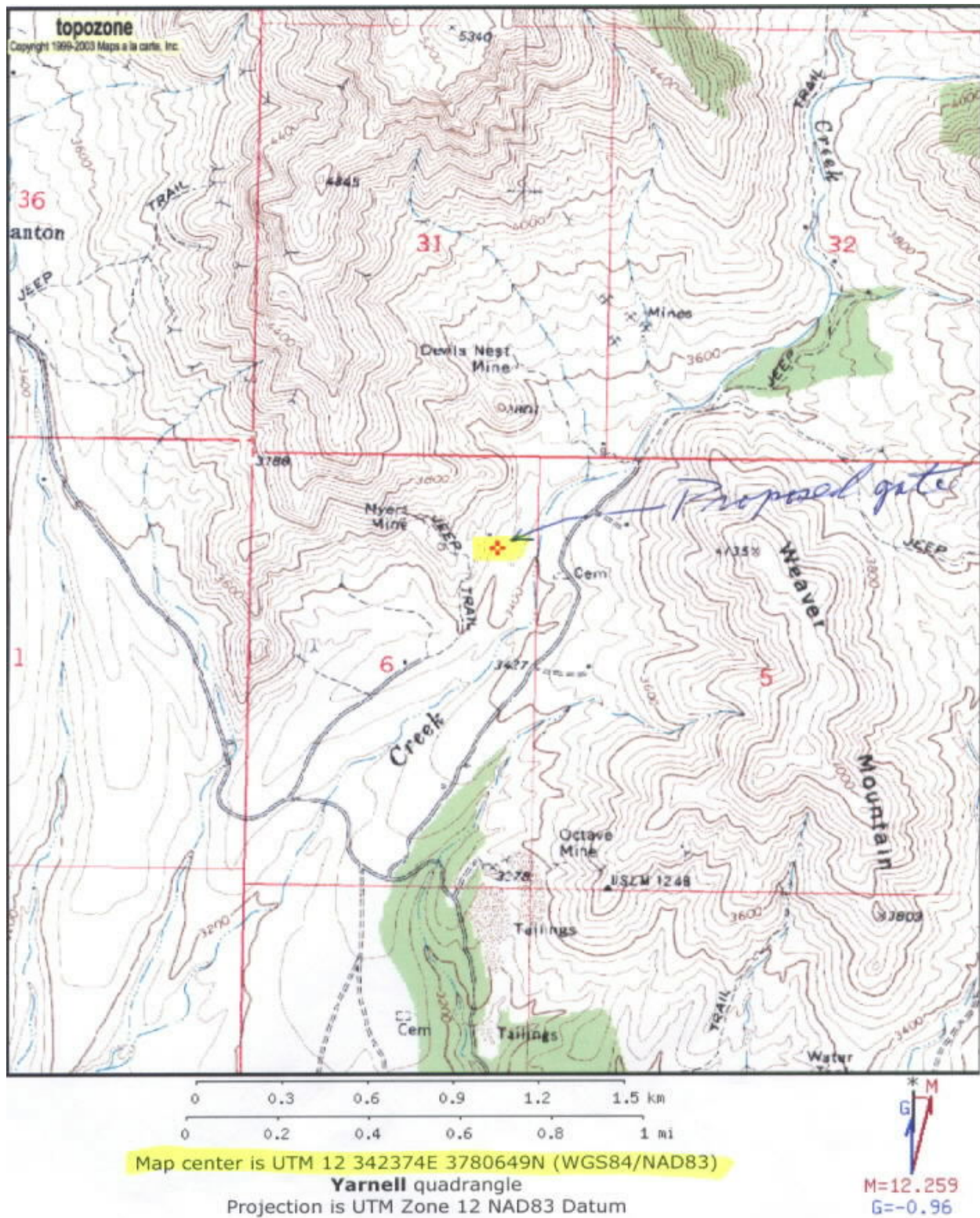


Figure 2. – Topo map showing the location of the proposed gate (AZA 33157) in T. 9 N., R. 4 W., sec. 6, G&SRM, near Stanton, Yavapai County, AZ.



Figure 3. – Airphoto showing the location of the proposed gate (AZA 33157) and existing access route in T. 9 N., R. 4 W., sec. 6, G&SRM, near Stanton, Yavapai County, AZ.



Figure 4. – Photo showing the location of the proposed gate (AZA 33157) in T. 9 N., R. 4 W., sec. 6, G&SRM, near Stanton, Yavapai County, AZ.

BLM LE Ranger Jon Young is seen in the center of the photo, standing at the spot along the fenceline where the proposed gate would be installed. The fenceline crosses an existing undeveloped access road on the Catclaw (AMC64830) mining claim.

The installation of the gate would restore access to Roadrunner's Devils Nest AU 9 (AMC350907) and Devils Nest AU 12 (AMC350910) mining claims, which was recently restricted by a new landowner to the south. Roadrunner plans to continue only casual use level mining activities on all three claims; they have no plans to conduct activities requiring the submission of a 43 CFR 3809 Notice or Plan.

Photo taken by Matt Plis on July 25, 2005, looking southeast.



Figure 5. – Photo showing another view of the location of the proposed gate (AZA 33157) in T. 9 N., R. 4 W., sec. 6, G&SRM, near Stanton, Yavapai County, AZ.

The gate would be installed in the fenceline behind the bush in the center of the photo.

Photo taken by Matt Plis on July 25, 2005, looking southwest.